Thirteenth, the Office's previous notification stated, " *claims that have not been rejected, such as claims 11 and 20, are improperly included in the list.*" Appellant corrected this misprint. **Therefore, the Appellant complied and was responsive.**

Fourteen, the Office's previous notification stated, "*The purpose of Appendix B is unclear. Applicant should either properly relate this Appendix to his arguments or delete it.*" Appellant noted that Dr. Mallove's quotes from Appendix B were cited in context on pages 28 through 29 and 129 through 130 in the Appeal Brief. The Examiner missed this. In addition, the Appellant corrected this for the Examiner. The Examiner knows that the Appellant responded, but the Examiner did not. **Therefore, the Appellant complied and was responsive.**

Here then are fourteen (14) ways Appellant responded and/or complied. And to these 14 changes and/or responses, the Examiner has done nothing except to disingenuously pretend that there has been no response. Instead of allowing the Board in its own wisdom to resolve the important matter involving the Applicant's invention and civil rights, and now involving US security, the Examiner --fully aware that the Appellant responded-- with tongue deep-in-cheek pretends that Appellant did not. However, the record, the previous Notification, and this present Response with the accompanying Declarations, do palpably affirm otherwise. **The Appellant complied and was responsive.**

Given the above, the Applicant hereby again requests to know the substantive precise reason, scientific basis, and authority which allows the Examiner to dismiss the Appellant's previous fourteen responses without a single citation, or substantive coherent response.

SUMMARY

13. Appellant has already fixed the errors which the Office has noted previously. The Office's communication dated March 31, 2004 [Exhibit "A"], appears to itself have at least eleven serious errors. Said error results because the Office has ignored the Applicant's communications of October 22, 2002 [Exhibit "B"], and the Notice and Appeal submitted to the Office (and received) January 4, 2004.

14. Appellant notes that the U.S. Supreme Court, which has ruled that any *pro se* litigant is entitled to less stringent standards [U.S. Rep volume 404, pages 520-521 (72)].

15. The Office's communication dated March 31, 2004 (Exhibit "A"), which has at least eleven serious errors must now be examined in the light of, previously, forty three (43) errors in other recent Office Communications used by the Examiner to delay both justice and delivery of Appeal Briefs to the Board. Considering only the eleven errors and misguided demands here, if there was a fifty percent likelihood of each error (that is, if it were made innocently), then with the forty three (43) previous cumulative errors by the Examiner in the last several months since the remand from the Board reveal that there is now less than one chance in a billion billion likelihood [1 in ~1.8 x 10^{16}] that the Examiner is innocent regarding these errors.

The Appellant thanks the Board for its patience and wisdom, and notes that all matters purported by the Office have been addressed totally by Appellant, and addressed in Responses.

Respectfully submitted,

Mitchell R. Swartz, ScD, MD, Appellant, pro se

Certificate Of Mailing [37 CFR 1.8(a)]

April 21, 2004

To Whom it Does Concern:
I hereby certify that this correspondence will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to
"Office of the Clerk
Board Of Patent Appeals
c/o The Commissioner for Patents
Alexandria, VA 22313-1450" on the date below.

Thank you.

Sincerely,
April 21, 2004

M.R. Swartz